

UNITED STATES PATENT AND TRADEMARK OFFICE

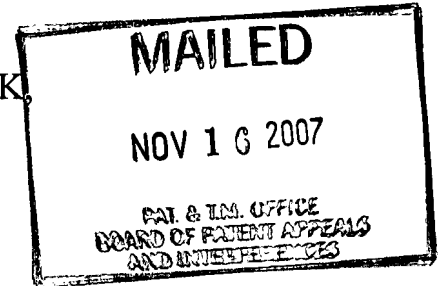
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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JONATHAN I. MCCORMACK,  
VENKATACHARY SRINIVASAN,  
HARI VASUDEV AND  
RAYMOND DREWERY

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Application No. 09/977,085

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on October 31, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing is identified below.

On March 14, 2007, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page 3, heading (8), the examiner relied on the following references:

Application No. 09/977,085

Jiang et al.	6,741,853	5-2004
Kessler et al.	6,621,528	9-2003
Jindal et al.	6,092,178	7-2000

A review of the file reveals that reference Desrochers (US Patent No. 6,553,405) was used in the application of claims 20-22, as stated in the Grounds of Rejection, paragraph (9) of the examiner's answer. The Manual of Patent Examining Procedure, in § 1207.02 states:

(8) ***Evidence Relied Upon.*** A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

Before further review, the examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of all references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02. Appropriate correction is required.

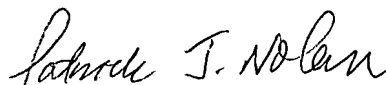
Application No. 09/977,085

Accordingly, it is

**ORDERED** that the application is returned to the Examiner to:

- 1) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, heading (8) of the Examiner's Answer;
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
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PJN/dal

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